

90th Legislative Session – 2015

Committee: Senate Commerce and Energy

Thursday, January 29, 2015

77580

P - Present
E - Excused
A - Absent

Roll Call

P Bradford
P Haggar (Jenna)
P Lederman
P Novstrup (David)
P Sutton
P Greenfield (Brock), Vice-Chair
P Curd, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Blake Curd, Chair.

77581 MOTION: TO APPROVE THE MINUTES OF 1/20/15

Moved by: Greenfield (Brock)
Second by: Sutton
Action: Prevailed by voice vote.

77586 SB 62: increase certain license fees for food service, lodging, and campground establishments.

Presented by: Tom Martinec, Department of Health (Handout: 1)
Proponents: Lindsey Hildebrand, Bureau of Finance & Management (Handout: 2)
Angie Lemieux, Department of Public Safety
Lori Jacobson, Department of Public Safety
Opponents: Shawn Lyons, SD Retailers Association
Michele Brich, South Dakota Hotel & Lodging Association

77613 MOTION: AMEND SB 62

On page 3, after line 15 of the printed bill, insert:

" Section 6. This Act is effective on January 1, 2016."

Moved by: Greenfield (Brock)
Second by: Haggar (Jenna)
Action: Prevailed by voice vote.

77617 MOTION: DEFER SB 62 TO THE 41ST LEGISLATIVE DAY

Moved by: Greenfield (Brock)
Second by: Haggar (Jenna)
Action: Prevailed by roll call vote. (4-2-1-0)

Voting Yes: Haggar (Jenna), Lederman, Novstrup (David), Greenfield (Brock)

Voting No: Bradford, Curd

Excused: Sutton

77619 SB 72: provide an exemption from certain excavation requirements in an emergency.

Presented by: Senator Dan Lederman
Proponents: Brett Koenecke, Electric Utility Companies, SD
Larry Janes, South Dakota One Call

77622 MOTION: AMEND SB 72

On the printed bill, delete everything after the enacting clause and insert:

" Section 1. Any requirement to wait a certain time period to excavate does not apply to an excavation deemed necessary to address an emergency condition performed by the operator or an excavator who has been engaged to work on behalf of the operator. In such event, the operator shall give notification in compliance with § 49-7A-5 prior to the excavation undertaken by the operator to address the emergency condition. Upon being notified that an emergency condition exists, each

operator shall provide all available location information to the excavating operator as soon as possible, but the excavating operator need not wait for such location information prior to excavation or continuing excavation. However, every person who engages in any such excavation shall take all necessary and reasonable precautions to avoid or minimize damage to existing underground facilities. In addition, in the event the excavation results in damage to any underground facility, the excavator shall immediately notify the affected operator or the one call notification center of the location and the extent of the damage. Any excavator or operator excavating pursuant to this section who damages or injures the underground facilities of another operator is strictly liable for all damage proximately caused thereby.

For purposes of this section, an emergency condition exists when an imminent danger to life, health, property, or public safety exists and there is a substantial likelihood that loss of life, health, or property will result before the procedures set forth in §§ 49-7A-5 and 49-7A-8 can be fully complied with.

Section 2. That § 49-7A-18 be amended to read as follows:

49-7A-18. Penalties. Except as provided in § 49-7A-19 and in addition to all other penalties provided by law, any person who violates or who procures, aids, or abets in the violation of § 49-7A-2, 49-7A-5, 49-7A-8, or 49-7A-12, section 1 of this Act, or any rules promulgated pursuant to § 49-7A-2, 49-7A-5, or 49-7A-8 may be assessed a penalty of up to one thousand dollars for the first violation and up to five thousand dollars for each subsequent violation that occurs within twelve months of the initial violation.**Source:** SL 2002, ch 211, § 12.

Section 3. That § 49-7A-19 be amended to read as follows:

49-7A-19. Penalties for intentional violations. In addition to all other penalties provided by law, any person who intentionally violates or who intentionally procures, aids, or abets in the violation of § 49-7A-2, 49-7A-5, 49-7A-8, or 49-7A-12, section 1 of this Act, or any rules promulgated pursuant to § 49-7A-2, 49-7A-5, or 49-7A-8 may be assessed a penalty of up to five thousand dollars for the first violation and up to ten thousand dollars for each subsequent violation that occurs within twelve months of the initial violation.**Source:** SL 2002, ch 211, § 13."

Moved by: Greenfield (Brock)
Second by: Haggar (Jenna)
Action: Prevailed by voice vote.

77623MOTION: DO PASS SB 72 AS AMENDED

Moved by: Greenfield (Brock)

Second by: Haggar (Jenna)
Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Bradford, Haggar (Jenna), Lederman, Novstrup (David), Greenfield (Brock), Curd

Excused: Sutton

77624 HB 1024: repeal certain outdated and unnecessary statutes related to the Department of Labor and Regulation.

Presented by: Tom Hart, Department of Labor and Regulation

77625MOTION: DO PASS HB 1024

Moved by: Greenfield (Brock)
Second by: Lederman
Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Bradford, Lederman, Novstrup (David), Sutton, Greenfield (Brock), Curd

Excused: Haggar (Jenna)

77628MOTION: PLACE HB 1024 ON CONSENT CALENDAR

Moved by: Greenfield (Brock)
Second by: Novstrup (David)
Action: Prevailed by voice vote.

77629 HB 1025: revise certain provisions regarding banks and banking.

Presented by: Bret Afdahl, Department of Labor and Regulation

77632MOTION: DO PASS HB 1025

Moved by: Sutton
Second by: Greenfield (Brock)
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Bradford, Haggar (Jenna), Lederman, Novstrup (David), Sutton, Greenfield (Brock), Curd

77633MOTION: PLACE HB 1025 ON CONSENT CALENDAR

Moved by: Sutton
Second by: Lederman
Action: Prevailed by voice vote.

77634 HB 1026: revise certain provisions related to the Department of Labor and Regulation.

Presented by: Tom Hart, Department of Labor and Regulation

77635MOTION: AMEND HB 1026

1026fa

On page 4 of the printed bill, delete line 20, and insert "accordance with the requirements of ~~SAS 61, Communication With Audit Committees~~ AU-C 260, The Auditor's Communication with Those Charged with Governance".

Moved by: Sutton
Second by: Greenfield (Brock)
Action: Prevailed by voice vote.

77636MOTION: DO PASS HB 1026 AS AMENDED

Moved by: Sutton
Second by: Greenfield (Brock)
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Bradford, Haggart (Jenna), Lederman, Novstrup (David), Sutton, Greenfield (Brock),
Curd

77637MOTION: PLACE HB 1026 ON CONSENT CALENDAR

Moved by: Sutton
Second by: Greenfield (Brock)
Action: Prevailed by voice vote.

77638 HB 1028: revise certain provisions regarding money transmitters and money transmissions.

Presented by: Bret Afdahl, Department of Labor and Regulation

77639MOTION: DO PASS HB 1028

Moved by: Greenfield (Brock)
Second by: Lederman
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Bradford, Haggar (Jenna), Lederman, Novstrup (David), Sutton, Greenfield (Brock),
Curd

77648MOTION: PLACE HB 1028 ON CONSENT CALENDAR

Moved by: Greenfield (Brock)
Second by: Lederman
Action: Prevailed by voice vote.

77649MOTION: ADJOURN

Moved by: Greenfield (Brock)
Second by: Haggar (Jenna)
Action: Prevailed by voice vote.

Anna Wempe
Committee Secretary

R. Blake Curd, Chair